

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 8, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-31891 - APPLICANT: MAGDA MALDONADO - OWNER:
REFUGIO AND MARIA MARTINEZ**

**** CONDITIONS ****

STAFF RECOMMENDATION:

APPROVAL, subject to:

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Mortuary use, including parking requirements.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Funeral services shall not be conducted on the subject site, and no public gathering or assembly will be conducted without proper permits from the Planning and Development Department.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Mortuary at 2590 East Bonanza Road. The applicant proposes to utilize the subject location as a Mortuary with a focus on the transportation of human remains to be buried outside of the country. The proposed use is compatible with the subject site and the surrounding area and meets all Title 19.04 requirements; therefore, staff recommends approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/23/76	The Board of Zoning and Adjustment approved a request (V-0063-76) to allow the conversion of a residential duplex to an office and to allow the continuation of an existing four unit non-conforming apartment complex on property at 2600 East Bonanza Road.
11/01/89	The City Council approved a request to Rezone (Z-0099-89) the property at 2600 East Bonanza Road from R-3 (Medium Density Residential) to C-1 (Limited Commercial).
05/06/04	Code Enforcement case (#14333) was opened on the subject site for the outside display of furniture, graffiti, and non-permitted on-premise signage the case was resolved on 05/27/04.
03/29/05	Code Enforcement case (#27826) was opened on the subject site for refuse and waste (boxes) the case was resolved on 04/12/05.
08/23/07	A Code Enforcement case (#57022) was opened on the subject site for discarded furniture on the side of building. The case was resolved on 09/04/07.
09/13/07	A Code Enforcement case (#57820) was opened on the subject site for graffiti and discarded furniture. The case was resolved on 09/24/07.
12/23/09	A Code Enforcement referral (#32746) was issued from the Planning and Development Department to the Department of Neighborhood Services.
<i>Related Building Permits/Business Licenses</i>	
05/06/96	A business license was issued for a furniture store (#F07-01437) 2590 East Bonanza Road. The license was marked out of business on 08/05/08.
<i>Pre-Application Meeting</i>	
10/14/08	The requirements for a Special Use Permit were discussed with the applicant.
<i>Neighborhood Meeting</i>	
A meeting was not required, nor was one held.	

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Field Check	
12/03/08	Staff conducted a site visit and noted extensive graffiti on the site and a referral was sent to code enforcement.

Details of Application Request	
Site Area	
Gross Acres	.29

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Vacant Commercial Building	SC (Service Commercial)	C-1 (Limited Commercial)
North	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
South	Plant Nursery	SC (Service Commercial)	C-1 (Limited Commercial)
East	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)
West	Undeveloped	SC (Service Commercial)	R-E (Residence Estates)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	N/A
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

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DEVELOPMENT STANDARDS

Pursuant to Title 19.10, the following parking standards apply:

In addition to Rule 2412, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Mortuary	Four employees on the largest shift.	One space per full time employee on the largest Shift.	4	1	7	1	
SubTotal			4	1	7	1	
TOTAL			5		8		Y*

**A condition has been added restricting any funeral services on the site.*

ANALYSIS

The applicant proposes to utilize the subject location as a Mortuary with the intent to specialize in the shipment of human remains to be cremated or buried outside of the country. The site has adequate parking for the Mortuary use; however, not enough parking exists for a full service Funeral Chapel, and the applicant has stated no funeral services will be held on the subject site. Staff has added a condition prohibiting any funeral services on the site. As the proposed use meets Title 19.04 parking requirements and complies with the C-1 (Limited Commercial) zoning and SC (Service Commercial) land use designation, staff recommends approval.

- Zoning**

The subject property is designated SC (Service Commercial) under the Las Vegas 2020 Master Plan. The SC (Service Commercial) land use classification allows for low to medium intensity retail, office or other commercial uses that serve primarily local area patrons and that do not include more intense general commercial characteristics.

The subject site is zoned C-1 (Limited Commercial). The C-1 (Limited Commercial) district is intended to provide most retail shopping and personal services, and may be appropriate for mixed use developments. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) district is consistent with the SC (Service Commercial) category of the General Plan. The proposed use is compatible with both the C-1 (Limited Commercial) zoning, and SC (Service Commercial) land use designation.

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- **Use**

The proposed Mortuary use requires a Special Use Permit within the C-1 (Limited Commercial) zone. If approved, this application for a Special Use Permit would fulfill that requirement.

Title 19.04 defines the Mortuary use as:

A facility in which one or both of the following activities occur:

1. Dead bodies are prepared for burial or cremation.
2. Funeral Services are conducted.

There are no minimum Special Use Permit requirements associated with the Mortuary use.

- **Parking**

Title 19.04 parking requirements for the Mortuary or Funeral Chapel use:

“If funeral services are conducted, one space for each 4 fixed seats or one space for each 100 square feet of non-fixed seating in the gathering room, whichever is greater. If operated otherwise, one space for each employee on the largest shift.”

In the justification letter the applicant states that no funeral services will be conducted on the site, and public access will be limited. If in the future the applicant elects to conduct services on the site more parking would be required than presently exists on the site and a parking Variance would be required. The applicant states that there will be four employees on the largest shift, which requires four spaces, including one van accessible handicapped space. Eight spaces are provided, including one van accessible handicapped space.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

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The proposed land use is appropriate for both the C-1 (Limited Commercial) zone, and the SC (Service Commercial) land use designation. The amount of traffic, noise and overall impact the proposed use will generate is low and will fit well with the residential uses in the area, as well as the commercial use to the south of the subject site. Staff finds the use is compatible and harmonious with the surrounding area.

2. “The subject site is physically suitable for the type and intensity of land use proposed.”

The subject site has adequate parking and the existing building is adequate to accommodate the Mortuary use.

3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”

The site is accessed via a single driveway from East Bonanza Road which is identified as a 100-foot Primary Arterial by the Master Plan of Streets and Highways. That roadway has more than adequate capacity to handle any traffic generated by the proposed use.

4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”

The use will be subject to State of Nevada, Southern Nevada Health District, and City of Las Vegas business and licensing inspections and therefore will not compromise the public health, safety or welfare. The use is compatible with the SC (Service Commercial) General Plan designation for this site.

1. The use meets all of the applicable conditions per Title 19.04.

There are no special conditions associated with the use and the proposed use meets the Title 19.04 parking requirements.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 28

SENATE DISTRICT 2

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NOTICES MAILED 61

APPROVALS 1

PROTESTS 0